

Akron and Dayton, Ohio; and charging that it was adulterated and that certain lots were also misbranded. Certain shipments were variously labeled in part: "Liquid Latex," or "Silver-Tex," or "Genuine Les Liquid Latex." One shipment was labeled in part: "Pickaniny Brand Supreme Goldbeaters * * * Manufactured by Olympia Lab. Atlanta, Ga." One shipment was stamped: "Killian Mfg. Co. Akron, Ohio."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding was alleged with respect to certain lots in that the representations in the labeling of the Liquid Latex brand that it was a prophylactic, was guaranteed for 5 years, and was effective for the prevention of disease; those in the labeling of the "Genuine Les Liquid Latex" brand that it was effective for the prevention of disease and was guaranteed for 5 years; those in the labeling of the Pickaniny brand that it was made from choice materials, represented a high quality, and would be effective for the prevention of disease; and those in the labeling of one shipment of the Silver-Tex brand that it was a disease preventative and was guaranteed for 5 years against deterioration under normal conditions, were false and misleading.

On February 23 and 24, March 25, April 22, and May 7, 13, and 14, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

261. Adulteration and misbranding of prophylactics. U. S. v. 24 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1493. Sample No. 61619-D.)

On or about February 17, 1940, the United States attorney for the Southern District of Texas filed a libel against 24 gross of prophylactics at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about January 5, 1940, by International Distributors from Memphis, Tenn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Silver-Tex * * * Manufactured by the Killian Mfg. Co., Akron, Ohio."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The article was alleged to be misbranded in that the representations in the labeling that it was a disease preventative and would be efficacious for prevention of disease, were false and misleading.

On March 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

262. Adulteration and misbranding of prophylactics. U. S. v. 14 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1918. Sample No. 10621-E.)

On May 6, 1940, the United States attorney for the District of Connecticut filed a libel against 14 gross of prophylactics at Waterbury, Conn., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by J. Keller from Springfield, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: "Liquid Latex Triple Tested Protectors."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that its labeling bore representations that it was a most perfect product, was guaranteed against deterioration for 5 years, would be effective for the prevention of contagious disease, was a protector, and was triple-tested, which were false and misleading.

On September 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

263. Adulteration and misbranding of prophylactics (shorts). U. S. v. 15 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 657. Sample No. 74021-D.)

On October 4, 1939, the United States attorney for the District of Rhode Island filed a libel against 15 gross of prophylactics at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about September 8, 1939, by Lorica Laboratories, Inc., from Jersey City, N. J.; and charging that it was adulterated and misbranded. The article was labeled in part: "Lorica Transparent Shorts."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The article was alleged to be misbranded in that the representation in the labeling that it would be effective for the prevention of disease, was false and misleading. It was alleged to be misbranded further in that it was dangerous to health when used as recommended in the labeling.

On October 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

264. Adulteration and misbranding of prophylactics. U. S. v. 20 Gross and 43 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1339, 1999. Sample Nos. 61149-D, 1967-E.)

On January 11 and May 22, 1940, the United States attorneys for the Southern District of Alabama and the Eastern District of Virginia filed libels against 20 gross of prophylactics at Mobile, Ala., and 43 gross of prophylactics at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about September 1, 1939, and April 11, 1940, by the Magnet Merchandise Co. from New York, N. Y.; and charging that it was misbranded and that one lot was also adulterated. The article was labeled in part: "Silver Skin" or "Pan."

The Pan brand was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess. It was alleged to be misbranded in that representations in the labeling that it was a carefully tested prophylactic of fine quality were false and misleading.

The Silver Skin brand was alleged to be misbranded in that the representation in the labeling that it was guaranteed for 5 years, which indicated that it would remain in good condition and be of good quality for 5 years, was false and misleading, since it was defective because of the presence of holes.

On June 28 and July 10, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

265. Adulteration and misbranding of prophylactics. U. S. v. 1 Gross and 2 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 2221. Sample Nos. 1657-E, 1658-E.)

On June 17, 1940, the United States attorney for the District of Columbia filed a libel against 3 gross of prophylactics at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about May 17, 1940, by the Olympia Laboratory from Atlanta, Ga.; and charging that it was adulterated and misbranded. One lot was labeled in part: "Black and Gold." The remaining lot bore no brand name.

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding was alleged in that representations in the labeling of the Black and Gold brand that it was perfect, was efficacious for the prevention of disease, was made of selected material with all the care and skill which long experience in manufacturing can give; and those in the labeling of the lot that bore no brand name that it was made of selected material with all the care and skill which long experience in manufacturing can give, were false and misleading.

On July 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

266. Adulteration and misbranding of prophylactics. U. S. v. 14 Gross, 24 Gross, 19 Gross, and 9 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1226, 1237. Sample Nos. 85681-D, 85682-D, 85686-D, 85687-D.)

On December 21 and 22, 1939, the United States attorney for the Middle District of Pennsylvania filed libels against 66 gross of prophylactics at Scranton, Pa., alleging that the article had been shipped in interstate commerce on November 9 and December 13, 1939, by Penn-Jersey Drug Co., Inc., from Newark, N. J.; and charging that it was adulterated and misbranded. The article was labeled in part: "Tuxedo," "Pro-Tek," "Hobby-Tex," or "Tally-Ho."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The article was alleged to be misbranded in that the representations appearing variously in the labeling that it was an improved disease preventative, was a health protector, was guaranteed against deterioration, that it was for medicinal purposes, and was guaranteed for 5 years, were false and misleading.

On February 8, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.